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7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **TROY D. CASHATT, M.D.**
14 **1971 Lucile Avenue**
Los Angeles, CA 90039

15 **Physician's and Surgeon's Certificate No. A**
16 **63013,**

17 Respondent.

Case No. 800-2015-011466

OAH No. 2018080897

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by E. A. Jones III,
25 Supervising Deputy Attorney General.

26 2. Respondent Troy D. Cashatt, M.D. (Respondent) is represented in this proceeding by
27 attorney Henry R. Fenton, whose address is: 1990 S. Bundy Drive, Suite 777, Los Angeles, CA
28 90025.

3. On or about July 18, 1997, the Board issued Physician's and Surgeon's Certificate No. A 63013 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-011466, and will expire on June 30, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2015-011466 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 21, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2015-011466 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-011466. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2015-011466, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 800-2015-011466 shall be deemed true, correct and fully admitted by respondent for purposes of that proceeding or any other licensing proceeding involving respondent in the State of California.

12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

14. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 63013 issued to Respondent TROY D. CASHATT, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

2. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall make daily contact with the Board or its designee to determine whether biological fluid testing is required. Respondent shall be tested on the date of the notification as directed by the Board or its

1 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
2 any time, including weekends and holidays. Except when testing on a specific date as ordered by
3 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
4 basis. The cost of biological fluid testing shall be borne by the Respondent.

5 During probation, Respondent shall be subject to 36 to 104 random tests per year. Nothing
6 precludes the Board from increasing the number of random tests to a 52 to 104 random tests
7 frequency for any reason.

8 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
9 approved in advance by the Board or its designee, that will conduct random, unannounced,
10 observed, biological fluid testing and meets all of the following standards:

11 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
12 Association or have completed the training required to serve as a collector for the United
13 States Department of Transportation.

14 (b) Its specimen collectors conform to the current United States Department of
15 Transportation Specimen Collection Guidelines.

16 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
17 by the United States Department of Transportation without regard to the type of test
18 administered.

19 (d) Its specimen collectors observe the collection of testing specimens.

20 (e) Its laboratories are certified and accredited by the United States Department of Health
21 and Human Services.

22 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
23 of receipt and all specimens collected shall be handled pursuant to chain of custody
24 procedures. The laboratory shall process and analyze the specimens and provide legally
25 defensible test results to the Board within seven (7) business days of receipt of the
26 specimen. The Board will be notified of non-negative results within one (1) business day
27 and will be notified of negative test results within seven (7) business days.

28 (g) Its testing locations possess all the materials, equipment, and technical expertise

1 necessary in order to test Respondent on any day of the week.

2 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
3 for the detection of alcohol and illegal and controlled substances.

4 (i) It maintains testing sites located throughout California.

5 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
6 computer database that allows the Respondent to check in daily for testing.

7 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
8 access to drug test results and compliance reporting information that is available 24 hours a
9 day.

10 (l) It employs or contracts with toxicologists that are licensed physicians and have
11 knowledge of substance abuse disorders and the appropriate medical training to interpret
12 and evaluate laboratory biological fluid test results, medical histories, and any other
13 information relevant to biomedical information.

14 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
15 while practicing, even if the Respondent holds a valid prescription for the substance.

16 Prior to changing testing locations for any reason, including during vacation or other travel,
17 alternative testing locations must be approved by the Board and meet the requirements above.

18 The contract shall require that the laboratory directly notify the Board or its designee of
19 non-negative results within one (1) business day and negative test results within seven (7)
20 business days of the results becoming available. Respondent shall maintain this laboratory or
21 service contract during the period of probation.

22 A certified copy of any laboratory test result may be received in evidence in any
23 proceedings between the Board and Respondent.

24 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
25 administered to himself or herself a prohibited substance, the Board shall order Respondent to
26 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
27 medicine or providing medical services. The Board shall immediately notify all of Respondent's
28 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or

1 provide medical services while the cease-practice order is in effect.

2 A biological fluid test will not be considered negative if a positive result is obtained while
3 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
4 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

5 After the issuance of a cease-practice order, the Board shall determine whether the positive
6 biological fluid test is in fact evidence of prohibited substance use by consulting with the
7 specimen collector and the laboratory, communicating with the licensee, his or her treating
8 physician(s), other health care provider, or group facilitator, as applicable.

9 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
10 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

11 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
12 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
13 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
14 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

15 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
16 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
17 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
18 any other terms or conditions the Board determines are necessary for public protection or to
19 enhance Respondent's rehabilitation.

20 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
21 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
22 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
23 Respondent shall participate in and successfully complete that program. Respondent shall
24 provide any information and documents that the program may deem pertinent. Respondent shall
25 successfully complete the classroom component of the program not later than six (6) months after
26 Respondent's initial enrollment, and the longitudinal component of the program not later than the
27 time specified by the program, but no later than one (1) year after attending the classroom
28 component. The professionalism program shall be at Respondent's expense and shall be in

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

2 A professionalism program taken after the acts that gave rise to the charges in the
3 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
4 or its designee, be accepted towards the fulfillment of this condition if the program would have
5 been approved by the Board or its designee had the program been taken after the effective date of
6 this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its
8 designee not later than 15 calendar days after successfully completing the program or not later
9 than 15 calendar days after the effective date of the Decision, whichever is later.

10 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
11 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
12 where: 1) Respondent merely shares office space with another physician but is not affiliated for
13 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
14 location.

15 If Respondent fails to establish a practice with another physician or secure employment in
16 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
17 Respondent shall receive a notification from the Board or its designee to cease the practice of
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
19 practice until an appropriate practice setting is established.

20 If, during the course of the probation, the Respondent's practice setting changes and the
21 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
22 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
23 If Respondent fails to establish a practice with another physician or secure employment in an
24 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
25 shall receive a notification from the Board or its designee to cease the practice of medicine within
26 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
27 appropriate practice setting is established.

28 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the

Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses except in an emergency department setting.

8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

1 Place of Practice

2 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
4 facility.

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice,
13 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
14 departure and return.

15 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
16 available in person upon request for interviews either at Respondent's place of business or at the
17 probation unit office, with or without prior notice throughout the term of probation.

18 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
20 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
21 defined as any period of time Respondent is not practicing medicine as defined in Business and
22 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
23 patient care, clinical activity or teaching, or other activity as approved by the Board. If
24 Respondent resides in California and is considered to be in non-practice, Respondent shall
25 comply with all terms and conditions of probation. All time spent in an intensive training
26 program which has been approved by the Board or its designee shall not be considered non-
27 practice and does not relieve Respondent from complying with all the terms and conditions of
28 probation. Practicing medicine in another state of the United States or Federal jurisdiction while

1 on probation with the medical licensing authority of that state or jurisdiction shall not be
2 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
3 period of non-practice.

4 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
5 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
6 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
7 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
8 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

9 Respondent's period of non-practice while on probation shall not exceed two (2) years.

10 Periods of non-practice will not apply to the reduction of the probationary term.

11 Periods of non-practice for a Respondent residing outside of California will relieve
12 Respondent of the responsibility to comply with the probationary terms and conditions with the
13 exception of this condition and the following terms and conditions of probation: Obey All Laws;
14 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
15 Controlled Substances; and Biological Fluid Testing.

16 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall
19 be fully restored.

20 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
21 of probation is a violation of probation. If Respondent violates probation in any respect, the
22 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
23 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
24 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
25 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
26 be extended until the matter is final.

27 15. LICENSE SURRENDER. Following the effective date of this Decision, if
28 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

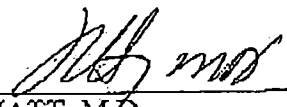
1 the terms and conditions of probation, Respondent may request to surrender his or her license.
2 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
3 determining whether or not to grant the request, or to take any other action deemed appropriate
4 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
5 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
6 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
7 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
8 application shall be treated as a petition for reinstatement of a revoked certificate.

9 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
12 California and delivered to the Board or its designee no later than January 31 of each calendar
13 year.

14 ACCEPTANCE

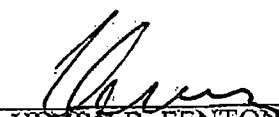
15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Henry R. Fenton. I understand the stipulation and the effect it will
17 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Medical Board of California.

20
21 DATED: 5/5/2019


TROY D. CASHATT, M.D.
Respondent

23 I have read and fully discussed with Respondent TROY D. CASHATT, M.D. the terms and
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
25 I approve its form and content.

26
27 DATED: 5/7/2019


HENRY R. FENTON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 5/9/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

Beneth A Browne

BENETH A. BROWNE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2015-011466

1 XAVIER BECERRA
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Feb. 21 20 18*
BY *[Signature]* ANALYST

6
7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2015-011466

12 **Troy D. Cashatt, M.D.**
13 **1971 Lucile Avenue**
14 **Los Angeles, CA 90039**

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 63013,**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about July 18, 1997, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 63013 to Troy D. Cashatt, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
26 and will expire on June 30, 2019, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following
laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2234 of the Code, states:

1 “The board shall take action against any licensee who is charged with unprofessional
2 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
3 limited to, the following:

4 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
5 violation of, or conspiring to violate any provision of this chapter.

6 “(b) Gross negligence.

7 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
8 omissions. An initial negligent act or omission followed by a separate and distinct departure from
9 the applicable standard of care shall constitute repeated negligent acts.

10 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
11 for that negligent diagnosis of the patient shall constitute a single negligent act.

12 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
13 constitutes the negligent act described in paragraph (1), including, but not limited to, a
14 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
15 applicable standard of care, each departure constitutes a separate and distinct breach of the
16 standard of care.

17 “(d) Incompetence.

18 “(e) The commission of any act involving dishonesty or corruption, which is substantially
19 related to the qualifications, functions, or duties of a physician and surgeon.

20 “(f) Any action or conduct which would have warranted the denial of a certificate.

21 “(g) The practice of medicine from this state into another state or country without meeting
22 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
23 apply to this subdivision. This subdivision shall become operative upon the implementation of the
24 proposed registration program described in Section 2052.5.

25 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
26 participate in an interview by the board. This subdivision shall only apply to a certificate holder
27 who is the subject of an investigation by the board.”

28 5. Section 2236 of the Code states:

1 “(a) The conviction of any offense substantially related to the qualifications, functions, or
2 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
3 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
4 evidence only of the fact that the conviction occurred.

5 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
6 Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor
7 immediately upon obtaining information that the defendant is a licensee. The notice shall identify
8 the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall
9 also notify the clerk of the court in which the action is pending that the defendant is a licensee,
10 and the clerk shall record prominently in the file that the defendant holds a license as a physician
11 and surgeon.

12 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
13 after the conviction, transmit a certified copy of the record of conviction to the board. The
14 division may inquire into the circumstances surrounding the commission of a crime in order to fix
15 the degree of discipline or to determine if the conviction is of an offense substantially related to
16 the qualifications, functions, or duties of a physician and surgeon.

17 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
18 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
19 shall be conclusive evidence of the fact that the conviction occurred.”

20 6. Section 2236.1 of the Code states:

21 “(a) A physician and surgeon's certificate shall be suspended automatically during any time
22 that the holder of the certificate is incarcerated after conviction of a felony, regardless of whether
23 the conviction has been appealed. The Medical Board shall, immediately upon receipt of the
24 certified copy of the record of conviction, determine whether the certificate of the physician and
25 surgeon has been automatically suspended by virtue of his or her incarceration, and if so, the
26 duration of that suspension. The division shall notify the physician and surgeon of the license
27 suspension and of his or her right to elect to have the issue of penalty heard as provided in this
28 section.

1 “(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is
2 determined therefrom that the felony of which the licensee was convicted was substantially
3 related to the qualifications, functions, or duties of a physician and surgeon, the Medical Board
4 shall suspend the license until the time for appeal has elapsed, if no appeal has been taken, or until
5 the judgment of conviction has been affirmed on appeal or has otherwise become final, and until
6 further order of the division. The issue of substantial relationship shall be heard by and
7 administrative law judge from the Medical Quality Hearing Panel sitting alone or with a panel of
8 the division, in the discretion of the division.

9 “(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 2237,
10 or a conviction of Section 187, 261, 262 or 288 of the Penal Code, shall be conclusively presumed
11 to be substantially related to the qualifications, functions, or duties of a physician and surgeon and
12 no hearing shall be held on this issue. Upon its own motion or for good cause shown, the board
13 may decline to impose or may set aside the suspension when it appears to be in the interest of
14 justice to do so, with due regard to maintaining the integrity of and confidence in the medical
15 profession.

16 “(d) (1) Discipline may be ordered in accordance with Section 2227, or the Medical Board
17 may order the denial of the license when the time for appeal has elapsed, the judgment of
18 conviction has been affirmed on appeal, or an order granting probation is made suspending the
19 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code
20 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting
21 aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

22 “(2) The issue of penalty shall be heard by an administrative law judge from the Medical
23 Quality Hearing Panel sitting alone or with a panel of the board, in the discretion of the board.
24 The hearing shall not be had until the judgment of conviction has become final or, irrespective of
25 a subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been
26 made suspending the imposition of sentence; except that a licensee may, at his or her option, elect
27 to have the issue of penalty decided before those time periods have elapsed. Where the licensee
28 so elects, the issue of penalty shall be heard in the manner described in this section at the hearing

1 to determine whether the conviction was substantially related to the qualifications, functions, or
2 duties of a physician and surgeon. If the conviction of a licensee who has made this election is
3 overturned on appeal, any discipline ordered pursuant to this section shall automatically cease.
4 Nothing in this subdivision shall prohibit the division from pursuing disciplinary action based on
5 any cause other than the overturned conviction.

6 “(e) The record of the proceedings resulting in the conviction, including a transcript of the
7 testimony therein, may be received in evidence.

8 “(f) The other provisions of this article setting forth a procedure for the suspension or
9 revocation of a physician and surgeon's certificate shall not apply to proceedings conducted
10 pursuant to this section.”

11 7. Section 2239 of the Code states:

12 “(a) The use or prescribing for or administering to himself or herself, of any controlled
13 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
14 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
15 any other person or to the public, or to the extent that such use impairs the ability of the licensee
16 to practice medicine safely or more than one misdemeanor or any felony involving the use,
17 consumption, or self-administration of any of the substances referred to in this section, or any
18 combination thereof, constitutes unprofessional conduct. The record of the conviction is
19 conclusive evidence of such unprofessional conduct.

20 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
21 deemed to be a conviction within the meaning of this section. The Medical Board may order
22 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the
23 denial of the license when the time for appeal has elapsed or the judgment of conviction has been
24 affirmed on appeal or when an order granting probation is made suspending imposition of
25 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
26 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,
27 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or
28 indictment.”

1 **STATEMENT OF FACTS**

2 8. On July 28, 2015, Respondent Troy Cashatt pleaded no contest in the Superior Court
3 of Los Angeles County to driving a vehicle while he had .08 percent or more blood alcohol, in
4 violation of California Vehicle Code Section 23152(b). The facts leading to this conviction are
5 summarized as follows:

6 9. According to the Los Angeles Police Department arrest report connected with the
7 incident, on January 27, 2015, at around 9:40 p.m., officers responded to a radio call regarding a
8 Driving Under the Influence (DUI) traffic collision. A witness who had followed the driver of the
9 vehicle as he walked away from the immediate scene contacted police. Upon arrival, the officers
10 observed a parked car with major traffic collision damage. As the officers approached the
11 vehicle, they observed the driver, who was identified at the scene as Respondent Cashatt,
12 slouched over with very droopy eyes. Respondent was wearing a physician's laboratory coat and
13 told the officers that he was an emergency room physician. During field sobriety tests,
14 Respondent told the officers repeatedly that he had to get to work, and there were patients dying
15 in the emergency room. Respondent also told the officers that he was due to start his shift at
16 10:00 p.m. Respondent also told the officers he had consumed Xanax as well as a glass of wine
17 in advance of the collision. Respondent submitted to a blood alcohol breath test, that showed he
18 had had been driving with .12% blood alcohol.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Dangerous Use of Alcohol)**

21 10. Respondent Troy D. Cashatt, M.D. is subject to disciplinary action for unprofessional
22 conduct under sections 2234 and 2239 of the Code in that he used alcoholic beverages to the
23 extent, or in such a manner as to be dangerous or injurious to himself, or to any other person or to
24 the public, as described in paragraphs 8-9, above.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Conviction of Substantially Related Crimes)**

27 11. Respondent Troy D. Cashatt, M.D. is subject to disciplinary action for unprofessional
28 conduct under sections 2234 and 2236 of the Code in that he was convicted of offenses

1 substantially related to the qualifications, functions and duties of a physician. The circumstances
2 are as follows:

3 12. The allegations in paragraphs 10 through 11, inclusive, are incorporated herein by
4 reference.

5 **DISCIPLINARY CONSIDERATIONS**

6 13. To determine the degree of discipline, if any, to be imposed on Respondent Troy D.
7 Cashatt, M.D., Complainant alleges that on or about December 19, 2007, in a prior disciplinary
8 action entitled "In the Matter of the Accusation Against Troy D. Cashatt, M.D. before the
9 Medical Board of California," Case Number 05-2004-163445, Respondent's license was revoked,
10 with the revocation stayed pending Respondent's completion of two years' probation with
11 Respondent to fulfill special terms and conditions of probation for multiple negligent acts within
12 the meaning of Business and Professions Code section 2234(c).

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Medical Board of California issue a decision:

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 63013,
17 issued to Troy D. Cashatt, M.D.;

18 2. Revoking, suspending or denying approval of Troy D. Cashatt, M.D.'s authority to
19 supervise physician assistants and advanced practice nurses;

20 3. Ordering Troy D. Cashatt, M.D., if placed on probation, to pay the Board the costs of
21 probation monitoring; and

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: February 21, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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